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PATENT APPLICATION  
ATTORNEY DOCKET NO. T7029

**DECLARATION, POWER OF ATTORNEY AND PETITION**

We, **ELWOOD G. NORRIS** and **JAMES J. CROFT III**, declare that they are United States citizens; that their residence and post office addresses are **13824 San Sebastian Way, Poway, California 92064** and **13633 Quiet Hills Drive, Poway, California 92064**; respectively; that they verily believe they are the original, first, and joint inventors of the subject matter of the invention or discovery entitled **PARAMETRIC LOUDSPEAKER WITH ELECTRO-ACOUSTICAL ONE-STAGE DIAPHRAGM TRANSDUCER**, for which a patent is sought and which is described and claimed in the specification filed **September 24, 1998** under Serial No. **09/159,442**; that they have reviewed and understand the contents of the above-identified specification, including the claims; and that they acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

They declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents, **CALVIN E. THORPE**, Registration No. **24,928**, **VAUGHN W. NORTH**,

Registration No. 27,930, M. WAYNE WESTERN, Registration No. 22,788, GRANT R. CLAYTON, Registration No. 32,462, ALAN J. HOWARTH, Registration No. 36,553, KARL R. CANNON, Registration No. 36,468, RANDALL B. BATEMAN, Registration No. 37,774, DAVID W. O'BRYANT, Registration No. 39,793, FRANK W. COMPAGNI, Registration No. 40,567, GARRON M. HOBSON, Registration No. 41,073, and DAVID R. MCKINNEY, Registration No. 42,868, all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence and telephonic communications should be directed to:

VAUGHN W. NORTH  
THORPE, NORTH & WESTERN  
P.O. BOX 1219  
Sandy, Utah 84091-1219  
Telephone: (801)566-6633  
Facsimile: (801)566-0750

Wherefore, We pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at San Diego, California, this  
17<sup>th</sup> day of November, 1998.

Inventor: Elwood G. Norris

ELWOOD G. NORRIS

Signed at San Diego, California, this  
17<sup>th</sup> day of November, 1998.

Inventor: James J. Croft III

JAMES J. CROFT III



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**DECLARATION CLAIMING SMALL ENTITY STATUS**  
**FOR A SMALL BUSINESS CONCERN**

I, Robert Putnam, hereby declare: that I am Vice President of AMERICAN TECHNOLOGY CORPORATION, a corporation of the State of DELAWARE, having a principal place of business at 13114 Evening Creek Drive South, San Diego, California 92128, I am empowered to act on behalf of AMERICAN TECHNOLOGY CORPORATION, and that AMERICAN TECHNOLOGY CORPORATION qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18 and 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of AMERICAN TECHNOLOGY CORPORATION, including those of its affiliates, does not exceed 500 persons. I understand that, for purposes of this declaration, (1) the number of employees is the average over the previous fiscal year of the number of persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and that (2) two business concerns are considered to be affiliates of each other when one business concern either directly or indirectly controls or has the power to control the other, or when a third party or parties control or have the power to control both business concerns.

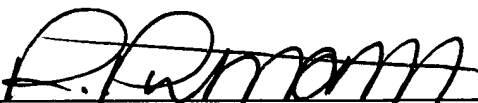
I further declare that all rights, title, and interest relating to the invention entitled PARAMETRIC LOUDSPEAKER WITH ELECTRO-ACOUSTICAL ONE-STAGE DIAPHRAGM TRANSDUCER, invented by

ELWOOD G. NORRIS and JAMES J. CROFT III, as described in the patent application filed September 24, 1998 and assigned Serial No. 09/159,442, have been conveyed to and currently remain with AMERICAN TECHNOLOGY CORPORATION.

I acknowledge the duty to file, in the above-mentioned application or any patent issued in respect thereof, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of (1) the issue fee or (2) any maintenance fee due after the date on which status as a small entity is no longer appropriate. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

DATED this 17th day of November, 1998.

AMERICAN TECHNOLOGY CORPORATION

By:   
Robert Putnam  
Vice President